

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	WC Docket No. 10-132
Review of Wireline Competition)	
Bureau Data Practices)	

**Reply Comments of the
Communications Workers of America**

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The Communications Workers of America (“CWA”) submits these reply comments in response to the Commission’s Public Notice seeking comments and reply comments on Wireline Competition Bureau data practices.¹ CWA represents 700,000 workers in communications, media, airlines, manufacturing and public service who have an interest in this proceeding both as workers and consumers.

The FCC’s service quality data collection and reporting program should be preserved and extended to all relevant service providers for the following reasons:

- The Commission has already concluded that ARMIS Reports 43-05 (service quality) and 43-06 (customer satisfaction) are beneficial and should be collected from all relevant providers.
 - The Commission stated that the reports serve the important function of helping “consumers make informed choices in a competitive market.”²
 - The Commission concluded that the reports should be collected and would be even more valuable if extended industry-wide.³ The Commission stated that “to make truly informed choices, consumers would need to have the relevant service quality information from all of the relevant providers.”
- There is no substitute for the national ARMIS service quality database.

¹ Federal Communications Commission, Pleading Cycle Established for Comments on Review of Wireline Competition Bureau Data Practices, WC Docket No. 10-132, June 29, 2010 (rel) “(FCC Notice”).

² In the Matter of Petition of Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160 (c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Petition of Qwest Corporation for Forbearance Under 47 U.S.C. § 160 (c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Petition of Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160 (c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Petition of for Forbearance Frontier and Citizens ILECs Under 47 U.S.C. § 160 (c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Petition of Verizon for Forbearance Under 47 U.S.C. § 160 (c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, *Memorandum Opinion and Order and Notice of Proposed Rulemaking*, WC Dockets Nos. 08-190, 07-139, 07-204, 07-273; Sept. 6, 2008 (rel), para 12 (“Service Quality Data Order”).

³ Paragraph 35 of the Notice of Proposed Rulemaking contained in the *Service Quality Data Order* (“We also recognize...that service quality and customer satisfaction data contained in ARMIS Reports 43-05 and 43-06 might be useful to consumers and help them make informed choices in a competitive market, but only if available from the entire relevant industry. We thus tentatively conclude that we should collect this type of information...”)

- It is the only publicly available data that allows comparisons between companies and states over time.
 - It fills a significant gap because many states do not publicly report service quality data.
 - Numerous consumer groups, state Commissions, and state consumer advocates as well as the CWA have relied on ARMIS data in the past and now have nothing. In past filings with the FCC, such groups have acknowledged that they rely upon ARMIS service quality data to analyze industry performance and network quality and expressed concerns that the data will not continue to be collected.⁴ These fears have been realized.
- The FCC has failed to meet its own commitment and deadline to set industry-wide service quality and customer satisfaction reporting requirements. Specifically, in 2008, the FCC granted petitioners' request to forebear from ARMIS Reports 43-05 and 43-06 filing requirements conditioned on the petitioners' agreement to file the data publicly until September 6, 2010 - 24 months from the effective date of the Order. The Commission reasoned that 24 months would provide sufficient time for it to adopt a more comprehensive service quality reporting program that would apply to all telecommunications and broadband companies. The Commission has failed to issue an order in response to its 2008 Service Quality Data NPRM.⁵
 - At least two Commissioners voted for the forbearance compromise in 2008 only because they assumed a more comprehensive data collection and reporting program would be in place when the 2-year voluntary commitment period expired.
 - Commissioner Michael J. Copps stated that he only agreed to the two-year compromise because this would provide time to develop an approach "ensuring that the data necessary for consumers and for state and federal regulators will be available going forward."⁶
 - Commissioner Jonathan S. Adelstein noted that the two-year window would give the Commission and outside parties the time needed to "develop meaningful reporting requirements to be filed by a broader set of

⁴ See Comments submitted by Free Press, Consumers Union, U.S. PIRG; Comments submitted by New Jersey Rate Counsel; Comments submitted by Commonwealth of Massachusetts Department of Telecommunications and Cable; Comments submitted by National Association of State Consumer Utility Advocates; Michigan Public Service Commission; Comments submitted by Texas Public Utility Commission; and Comments submitted by New Jersey Citizen Action all submitted In the Matter of Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain of the Commission's ARMIS Reporting Requirements, WC Docket No. 07-139, Aug. 20, 2007.

⁵ *Service Quality Data Order*.

⁶ Statement of Commissioner Michael J. Copps, Approving in Part, Concurring in Part, Dissenting in Part, *Service Quality Data Order*.

industry players that will assist policymakers and consumers.”⁷

- The Commission was warned about the consequences of inaction – specifically, that the Commission would be “plunging off a cliff.” Commissioner Copps expressed his concern that the compromise did create “risk that the aforementioned data will not be available after two years”. These statements were made with Commissioner Copps’ recognition that “the collection and analysis of solid communications-related data is a linchpin in the Commission’s ability to make sound decisions and provide useful guidance and assistance to consumers, states, industry-participants and other stakeholders.”⁸

The Commission should act now to limit the damage of its own inaction. The Commission recognized the importance to the public of the ARMIS service quality and customer satisfaction reports and the Commission failed to meet its own deadline to extend service quality and consumer satisfaction reporting requirements to all providers.

The CWA makes the following recommendations:

1. Time is of the essence: the Commission should adopt rules as soon as possible since the public is being harmed. With each passing day the loss of ARMIS data collection and reporting is detrimental to consumers, consumer advocates including CWA, and federal and state policymakers. Service quality and customer satisfaction information is essential to informed consumer choice and to informed policymaking. The larger the gap in data collection and reporting, the greater the public harm.
2. Service quality reporting requirements should apply to all relevant service providers including all providers of wireline and wireless voice, video and data services, regardless of the technology used to provide the service. However, some data may only be relevant to particular technologies.
3. The Commission should continue to require carriers to report data at the operating company level, by state, by residential and business services and by demographic area i.e., MSA and non-MSA (metropolitan statistical area) – in addition to any more granular reporting requirements.

⁷ Statement of Commissioner Jonathan S. Adelstein, Approving in Part, Concurring in Part, Dissenting in Part, *Service Quality Data Order*.

⁸ Statement of Commissioner Michael J. Copps, *Service Quality Data Order*.

4. The Commission should retain a number of data measures from its ARMIS 43-05 Service Quality Reports. This information is especially important to allow customers and policymakers to determine overall service quality trends over time within the same company and to compare the performance of different companies. The following data measures have been especially useful to CWA.
- a. Installation data for local wireline voice (including VoIP) and video services. This will provide consumers with the information needed to compare the ability of providers to install service within a reasonable length of time and the number and percentage of installation commitments met.
 - b. Repair data for local wireline voice (including VoIP), broadband Internet access, and video services. This will provide consumers with the information needed to compare the ability of providers to repair service within a reasonable length of time and the number and percentage repair commitments met. The timely repair of service problems is an important consumer issue. It would be very advantageous for consumers to have information about the effectiveness and timeliness of repairs in order to judge carrier performance.
 - c. Trouble reports for wireline voice (including VoIP), broadband Internet access, and video services. This basic data allows consumers to compare providers according to the reliability of their network. Of special note are the out-of-service troubles which could affect health and safety.
 - i. Total customer trouble report rate. This provides an overall indication of the reliability of a carrier's network.
 - ii. Initial trouble report rate. While the total report rate is useful it does not provide enough information for consumers. A number of factors influence the total report rate. One factor is the condition of the outside plant cables and drop wire facilities. The initial trouble report rate is a way to quantify the effectiveness of a carrier in maintaining its outside plant and other infrastructure. The first calls received from customers are typically to report a breakdown, usually somewhere in the carrier's lines.
 - iii. Repeat trouble report. Another factor influencing the overall trouble report rate is the quality of the workmanship of craft employees and the availability of adequate facilities to fix troubles. One way to gauge these factors is to measure the "repeat" report rate. A repeat report is a trouble registered by a customer within 30 days after the initial trouble was "cleared" or "closed out." Repeat reports often signify that the company has not been able to fix the underlying problem. The repeat trouble

report rate allows customers to measure a carrier's commitment to fixing problems the first time.

- d. Customer complaints for all providers (wireline voice, wireless, broadband Internet access, and video services). This data allows customers to determine the rate at which formal customer complaints are filed against specific companies in specific states.
5. The CWA believes the Commission should expand the Service Quality reports to include answer time performance measurements for live representatives responding to customer inquiries as opposed to voice response systems or being placed on hold. Customers are increasingly distressed by long wait times when making calls to their providers whether for new services, billing or repair services. The Commission should require all providers (wireline voice, wireless, broadband Internet access, and video services) to collect and report data on answer time performance measures. The following measures should be included.
- a. Average answer time performance for billing.
 - b. Average answer time performance for repair.
 - c. Average answer time performance for installation

There is a precedent for the Commission to be concerned with such answer time performance measures. After all, Congress established specific answer time performance standards for cable operators in Title 47 CFR 76.309.⁹ This statute states, "Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions..."¹⁰ Requiring companies to report their average answer time performance (by live representatives) would be especially useful when comparing the commitment by different companies to service their customers' needs.

6. The Commission should require uniform reporting and, thus, uniform definitions for whatever ARMIS service quality categories it may require. This will ensure that comparisons between carriers will be accurate and meaningful.
7. The Commission also should move forward expeditiously with its longstanding proposal to require reporting of network infrastructure information on a comprehensive basis from all facilities-based carriers in Form 477.

⁹ Title 47 Telecommunications, Chapter 1 Federal Communications Commission, Subchapter C, Broadcast Radio Services, Part 76 Multichannel Video and Cable Television Service, Subpart H General Operating Requirements, Section 76.309 Customer service obligations.

¹⁰ Ibid.

8. The Commission should continue to maintain and expand the user-friendly web-based query forms it developed for the ARMIS data.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kenneth R. Peres". The signature is written in a cursive style with a large, stylized 'K' and 'P'.

Kenneth R. Peres
Economist
Communications Workers of America

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